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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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DARNELL DWIGHT SMITH, #27235-078

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:21-CV-96  
CRIMINAL ACTION NO. 4:17-CR-25(4)


**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (#13) recommending that the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed pursuant to 28 U.S.C. § 2255 should be denied and dismissed with prejudice. No objections were timely filed.

The Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED** and **DISMISSED** with prejudice. An Evidentiary Hearing is **DENIED**, and a Certificate of Appealability is also **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 25th day of March, 2024.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE